



07 NOV 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
KIM :
Application No.: 10/560,409 : DECISION
PCT No.: PCT/KR2004/001408 :
Int. Filing Date: 14 June 2004 :
Priority Date: 14 June 2003 :
Attorney Docket No.: 2443.0050004 :
For: METHOD FOR MANAGING :
MEDICAL INFORMATION ONLINE :
:

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 12 October 2007, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 14 June 2004, applicants filed international application PCT/KR2004/001408, which designated the U.S. and claimed a priority date of 14 June 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 23 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2005.

On 13 December 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 08 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The NOTIFICATION set a two-month extendable period for reply.

On 14 September 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 08 December 2006 within the time period set therein.

On 12 October 2007, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

If applicant can establish nonreceipt of the Notification mailed 08 December 2006, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A.

The Notification mailed 08 December 2006 was mailed to the law firm of Holland & Hart. However, on 16 August 2006, a proper Change of Correspondence Address was filed changing the address to the law firm of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. Thus, the Notification was sent to an incorrect address. Additionally, the petition submitted by applicants 12 October 2007 suggests that the Notification mailed 08 December 2006 was not received. Accordingly, there is sufficient evidence of record to establish that the Notification mailed 08 December 2006 was not received. Accordingly, the Notification mailed 08 December 2006 and the NOTIFICATION OF ABANDONMENT mailed 14 September 2007 are hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification mailed 08 December 2006 is **VACATED**.

The NOTIFICATION OF ABANDONMENT mailed 14 September 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a new NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905).



Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301